

**House File 2271 - Introduced**

HOUSE FILE 2271

BY WINDSCHITL

**A BILL FOR**

1 An Act relating to lead testing in child care facilities and  
2 schools.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135.105E Lead testing in child care  
2 facilities and schools.

3 1. For purposes of this section, *"water supply systems"*  
4 means the infrastructure used to transmit water from a water  
5 utility, well source, or other source of water, whether  
6 publicly or privately owned, to an end user.

7 2. Any child care facility, as defined in section 237A.1,  
8 and all school district attendance centers shall be tested  
9 for lead in the water supply systems of their facilities on  
10 an annual basis. The department shall coordinate with the  
11 department of education and the department of human services in  
12 adopting rules to carry out the requirements of this section.

13 3. The board of directors of each public school district and  
14 the child care facilities administrator designated pursuant to  
15 section 237A.1 shall establish a schedule for annual testing  
16 for lead at each respective facility under their control, with  
17 the first test taking place no later than December 31, 2018.

18 4. The board of directors of each public school district  
19 and the administrator shall submit the results of each lead  
20 test conducted at a respective facility pursuant to this  
21 section to the department of education and the department of  
22 public health on an annual basis. The department of education,  
23 the department of public health, and the department of human  
24 services each shall publish the submitted results on their  
25 respective internet sites for public review.

26 5. If the results of a test do not meet minimum standards  
27 established by the department of public health by rule, a  
28 person credentialed to perform lead abatement measures shall be  
29 retained to develop a lead mitigation plan within ninety days  
30 of the test. The board shall implement the lead mitigation  
31 plan within one year of the failed test.

32 6. Lead testing and the implementation of a mitigation  
33 plan pursuant to this section shall be conducted by a person  
34 certified to conduct such testing, as determined by rule, or by  
35 those district employees trained in a lead testing protocol as

1 approved by the department of public health. The department  
2 of public health shall maintain and make available to school  
3 districts, nonpublic schools, child care facilities, and  
4 applicable child care homes a list of such certified persons.

5 Sec. 2. Section 298.3, subsection 1, Code 2018, is amended  
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *n.* Lead testing and lead mitigation pursuant  
8 to section 135.105E.

9 Sec. 3. Section 423F.3, subsection 3, paragraph a, Code  
10 2018, is amended to read as follows:

11 *a.* If the board of directors adopts a resolution to use  
12 funds received under the operation of [this chapter](#) solely for  
13 providing property tax relief by reducing indebtedness from the  
14 levies specified under [section 298.2](#) or [298.18](#), or for lead  
15 testing pursuant to section 135.105E, the board of directors  
16 may approve a revenue purpose statement for that purpose  
17 without submitting the revenue purpose statement to a vote of  
18 the electors.

19 Sec. 4. STATE MANDATE FUNDING SPECIFIED. In accordance  
20 with section 25B.2, subsection 3, the state cost of requiring  
21 compliance with any state mandate included in this Act shall  
22 be paid by a school district from state school foundation aid  
23 received by the school district under section 257.16. This  
24 specification of the payment of the state cost shall be deemed  
25 to meet all the state funding-related requirements of section  
26 25B.2, subsection 3, and no specific state funding shall be  
27 necessary for the full implementation of this Act by and  
28 enforcement of this Act against all affected school districts.

29 Sec. 5. APPLICABILITY. Section 423F.3, subsection 7, shall  
30 not apply to this Act.

31

#### EXPLANATION

32 The inclusion of this explanation does not constitute agreement with  
33 the explanation's substance by the members of the general assembly.

34 The Iowa department of public health currently organizes  
35 a childhood lead poisoning prevention program. The program

1 does not include testing water systems for lead in child care  
2 facilities, child care homes, and schools.

3 This bill requires all child care facilities and all school  
4 districts to implement lead testing in their water systems on  
5 an annual basis beginning no later than December 31, 2018. The  
6 bill requires the department to work with the department of  
7 education and the department of human services to implement  
8 rules to carry out the lead-testing requirements.

9 The bill adds lead testing and lead mitigation pursuant  
10 to the bill to the list of permissible uses of a physical  
11 plant and equipment levy by a school district. The bill adds  
12 lead testing conducted pursuant to the bill to the list of  
13 permissible uses of a physical plant and equipment levy or  
14 revenues from the secure an advanced vision for education fund  
15 under Code section 423F.3.

16 The bill may include a state mandate as defined in Code  
17 section 25B.3. The bill requires that the state cost of  
18 any state mandate included in the bill be paid by a school  
19 district under Code section 257.16. The specification is  
20 deemed to constitute state compliance with any state mandate  
21 funding-related requirements of Code section 25B.2. The  
22 inclusion of this specification is intended to reinstate the  
23 requirement of political subdivisions to comply with any state  
24 mandates included in the bill.

25 The bill makes inapplicable Code section 423F.3, subsection  
26 7, which requires a bill that would alter the purposes for  
27 which the revenues received under Code section 423F.3 may be  
28 used from infrastructure and property tax relief purposes  
29 to any other purpose to be approved by a vote of at least  
30 two-thirds of the members of both chambers of the general  
31 assembly.